

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA	:	Case No. 1:07CR318
Plaintiff,	:	
	:	JUDGE KATHLEEN O'MALLEY
v.	:	
ROBERT E. ALICK	:	<u>ORDER</u>
Defendant.	:	

Before the Court is the Defendant's Motion to Dismiss Counts 16-35 (supplement to) (Doc. 108). The Defendant asks the Court to dismiss Counts 16-18 based on the Government's commitment on September 9, 2008 to stay within the "current temporal scope," which the Defendant asserts included only counts occurring during the years 2003-2005.

The Court has a very clear recollection of the commitment made by the Government, however. The Government promised to not bring charges that occurred later than the year 2005, but made no such commitment with respect to any earlier periods. Counts 16-18, which allegedly occurred in 2002, would, thus, not be excluded by the Government's promise.

Accordingly, as explained above, the Defendant's Motion to Dismiss Counts 16-35 (supplement to) (Doc. 108) is **DENIED**.

IT IS SO ORDERED.

s/Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

Dated: February 8, 2010